

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EXOBOX TECHNOLOGIES CORP.,

Plaintiff,

vs.

ZACHARY TSAMBIS, *et al.*,

Defendants.

2:14-cv-00501-RFB-VCF

ORDER

Before the court is Defendant Michael Rougeou's Counsel's Motion and Proposed Order to Withdraw as Counsel of Record (#220). Defendant Rougeou is no longer able to finance the cost of retaining his counsel, Kenneth M. Roberts. *Id.*

Discussion:

Under Local Rule 7-2(d), [t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion. Here, no opposition has been filed and the time to oppose has passed.

Pursuant to Local Rule IA 10-6(b), “[n]o attorney may withdraw after appearing in a case except by leave of [c]ourt after notice has been served on the affected client and opposing counsel.” “Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result.” LR IA 10-6(e). Nevada Rule of Professional Conduct 1.16(b)(5) provides that a lawyer may withdraw if the “client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.” Here, based on counsel’s representation that Defendant Rougeou is unable to finance the cost of retaining counsel and good cause shown, the Court permits counsel to

1 withdraw. LR IA 10-6(b); NRPC 1.16(b)(5). The Court finds that permitting counsel to withdraw would
2 not result in delay. LR IA 10-6(e). No hearing has been scheduled and trial date has not been determined.

3 Accordingly, and for good cause shown,

4 IT IS HEREBY ORDERED that Defendant Michael Rougeou's Counsel's Motion and Proposed
5 Order to Withdraw as Counsel of Record (#220) is GRANTED.

6 IT IS FURTHER ORDERED that the Clerk of the Court will mail a copy of this order to Defendant
7 Michael Rougeou at the following address:

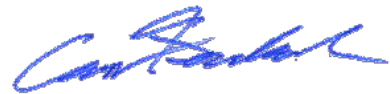
8
9 Michael Rougeou
10 10005 Wren St.
La Porte, Texas 77571

11 IT IS FURTHER ORDERED that Defendant Michael Rougeou must either retain counsel or file
12 a notice of appearing *pro se* within 30 days from the entry of this order.

13 Defendant Michael Rougeou must file with the Court written notification of any change of address.

14 IT IS SO ORDERED.

15 DATED this 24th day of November, 2015.

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19 CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE
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